

ORDINANCE NO. 2002 - 072

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO ADD A POLICY TO DESIGNATE THE LAKE WORTH PARK OF COMMERCE URBAN REDEVELOPMENT AREA AS A TRANSPORTATION CONCURRENCY EXCEPTION AREA (TCEA) AND TO MODIFY THE 10TH AVENUE NORTH CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS)); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's

45 written review of the proposed Comprehensive Plan amendments; and

46 WHEREAS, on December 18, 2002 the Palm Beach County Board of
47 County Commissioners held a public hearing to review the written
48 comments submitted by the Department of Community Affairs and to
49 consider adoption of the amendments; and

50 WHEREAS, the Palm Beach County Board of County Commissioners has
51 determined that the amendments as modified satisfy the concerns
52 addressed in the Department of Community Affairs' "Objections,
53 Recommendations and Comments Report" and comply with all requirements
54 of the Local Government Comprehensive Planning and Land Development
55 Regulations Act.

56 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
57 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

58 Part I. Amendments to the 1989 Comprehensive Plan

59 Amendments to the text of the following Element of the 1989
60 Comprehensive Plan are hereby adopted and attached to this Ordinance
61 in Exhibit 1:

62 A. Transportation Element, to add a policy to designate the
63 Lake Worth Park of Commerce (LWPC) Urban Redevelopment Area
64 as a Transportation Concurrency Exception Area (TCEA); and
65 to modify the 10th Avenue North Constrained Roadway at a
66 Lower Level of Service (CRALLS).

67 B. Amending all elements as necessary for internal
68 consistency.

69 Part II. Repeal of Laws in Conflict

70 All local laws and ordinances applying to the unincorporated area
71 of Palm Beach County in conflict with any provision of this ordinance
72 are hereby repealed to the extent of such conflict.

73 Part III. Severability

74 If any section, paragraph, sentence, clause, phrase, or word of
75 this Ordinance is for any reason held by the Court to be
76 unconstitutional, inoperative or void, such holding shall not affect
77 the remainder of this Ordinance.

78 Part IV. Inclusion in the 1989 Comprehensive Plan

79 The provision of this Ordinance shall become and be made a part
80 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the

word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 18 day of December, 2002.

ATTEST:
DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

PALM BEACH
COUNTY
FLORIDA

Deputy Clerk

By

FOR

Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

Filed with the Department of State on the 24 day
of December, 2002.

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EXHIBIT 1

A. **Transportation Element**, Lake Worth Park of Commerce (LWPC) Transportation Concurrency Exception Area (TCEA)

REVISIONS: To add Policy 1.2-s designating Lake Worth Park of Commerce (LWPC) as a TCEA and to modify Policy 1.2-f regarding 10th Avenue N. CRALLS. The added text is shown in underlined.

1. **NEW Policy 1.2-s:** The Lake Worth Park of Commerce (LWPOC) Transportation Concurrency Exception Area (TCEA) is hereby established and designated. Contiguous with the boundaries of the LWPOC, the TCEA is bounded by Tenth Avenue North on the north, I-95 on the east, Lake Worth Road on the south and the Keller Canal (E-4) on the west. The TCEA will be limited to 55,147 square feet of new commercial retail use and 895,373 square foot of new industrial use. Any project utilizing this TCEA and significantly impacting Interstate 95 shall be required to address its impacts pursuant to the ULDC. The TCEA may be revisited if the City of Lake Worth fails to provide the County an annual report by March 31 of each year starting in year 2004, showing that the development approvals utilizing this TCEA have not exceeded the limits set by this Policy.
2. **REVISED Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*)
 - 7) Tenth Avenue North, from I-95 to Congress Avenue is hereby designated a Constrained Roadway at Lower Level of Service (CRALLS) facility. The facility's level of service standard volumes shall be 46,400 trips on an Average Daily Traffic (ADT) basis, and 4,600 on a peak hour basis (2-way), 2,200 on a peak hour peak direction basis and an intersection critical movement volume of 1,500. For Test Two, the level of service standard volume shall be 46,000 on an Average Daily Traffic (ADT) basis. This CRALLS is exclusively for the purposes of concurrency for those projects located outside the Lake Worth Park of Commerce – TCEA.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 18, 2003.
DATED at West Palm Beach, FL on 1/23/03.
DOROTHY H. WILKEN, Clerk
By: Deane Brown D.C.